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June 23, 2023

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *Kitchen Winners NY Inc. v. Rock Fintek LLC*, Case No. 22-cv-05276-PAE

Dear Judge Engelmayer:

We write in response to new purported issues concerning the ongoing inspection and preservation process raised in Attorney Avram E. Frisch, counsel for JNS Capital Holdings LLC and Joel Stern's June 22, 2023 letter (ECF 85), which are not related to Rock Fintek LLC's Request for Conference Regarding Anticipated Partially Assented to Motion for Entry of Confidentiality Protective Order (ECF 83).

It appears that Attorney Frisch is trying to conflate the inspection and preservation process with Rock Fintek's request for a routine confidentiality order. We respectfully disagree with the rhetoric and baseless accusations set forth in Attorney Frisch's letter, and we will be prepared to address the same in more detail at a conference.

Contrary to feigned difficulties suggested by counsel, the parties have successfully completed a sampling and inspection process in one of the three largest warehouses holding the gloves at issue located in Grayslake, IL. The parties have exchanged dates for visiting the remaining warehouses and expect to complete the preservation and sampling process at two of the other largest warehouses (Jeffersonville, IN and Romulus, MI) on June 28 and, potentially, July 2, 2023.

In addition, contrary to what Mr. Frisch suggests in his letter, Rock Fintek's proposed Confidentiality Protective Order would not place any undue burdens on the parties and would simply allow designating parties a legitimate opportunity to seek protection from the court over confidential documents. We do not dispute that the burden of establishing confidentiality is typically on the party seeking confidentiality protection and are willing to abide by that burden.

On the other hand, the process suggested by Mr. Frisch would result in legitimately confidential materials being placed in the public record and would then require the producing party to seek claw back such documents after they had already been publicly filed, which would *de facto* destroy legitimate confidentiality protections.

Accordingly, Rock Fintek respectfully requests that the Court hold an informal telephonic or video conference regarding the issues set forth herein.

Respectfully submitted,

/s/Phillip Rakhunov

Phillip Rakhunov

cc: All counsel (via ECF)